DECISION DELEGATED TO DEVELOPMENT MANAGER

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|---|---|---|---|
| **Application No:** | **H09-0452-18** | **Applicant:** | **Mr Richard Smith** |
| **Proposal:** | Use of land to provide access | | |
| **Location:** | Rear: 72 Wignals Gate Holbeach Spalding | | |
| **Terminal Date:** | 1st August 2018 | | |

**Planning Policies**

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|---|---|
| **Local Plan July 2016:** | |
| SG1 | General Sustainable Development |
| SG14 | Design and Layout of New Development |
| SG17 | Protection of Residential Amenity |
| SG19 | Protection of Open Spaces |
| SG20 | Extensions and Alterations to Existing Buildings |
| SG21 | Extension of Curtliages |

**National Guidance**

**National Planning Policy Framework 2018**

Section 8 of the National Planning Policy Framework (2018)

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 0 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 1 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 1 | 0 | 0 | 1 |
| OTHER STATUTORY BODIES | 1 | 0 | 0 | 0 |
| RESIDENTS | 12 | 0 | 0 | 2 |

## CASE OFFICER ASSESSMENT

This is an application for use of land to provide a vehicular and pedestrian access to proposed development to the rear of 72 Wignals Gate, Holbeach. The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. The outline application for the proposed dwelling has been submitted under reference H09-0186-18.

The proposal seeks to redistribute a section of garden space within the curtilage of 72 Wignals Gate as public open space to replace the land that would be lost through provision of the vehicular and pedestrian access adjacent to the footpath that connects Wignals Gate and John Harrison Way.

The following comments have been received:

Councillor Biggadyke

"Regarding the access I see that the applicant has served notice on Paul Jarvil at L.C.C. about crossing the footpath on 14/318 which crosses the green however my research shows that the green is in the ownership of S.H.D.C. and I have found no notice being served to this Council which could have serious implications in the future for them in my opinion."

"This high density modern housing estate is one of the best in South Holland having an enclosed play area for young children overlooked by the houses and this other green for older children which will be reduced in size and will have the potential to cause a nuisance to residents by balls being kicked against the proposed fence, something we have had to address in the past."

Parks, Grounds & Open Space Officer

"Although it wouldn't make any difference from a maintenance point of view, the new drive would have to cross an LCC owned footpath, which in turn would leave the remainder of that footpath at a dead end. Would that footpath then need to be removed?"

County Highways & SUDS Officer

Conditions have been requested with regard to legal agreements for use of the land, access width, visibility splays and surface runoff.

Place Manager

I have to confirm that I would not be supportive of selling this public open space be that a proportion or otherwise.

Residents

Concerns have been expressed with regard to:

Non planning matters

On street parking (Behavioural).
Loss of non protected trees.
Loss of view.
Loss of property value.
Vehicular safety due to number of on street parked vehicles.
Loss of publically available parking space to front of objector's property.
Impact upon the infrastructure of Holbeach due to one additional property. "For want of a nail..."
Kicking balls against the fence.

Planning matters

Loss of green space.
Loss of recreation land for children.
Creation of a precedent.

Impact on character.
Highway safety.
Pedestrian safety.
Loss of streetlight.
Questioning why access cannot be provided off Wignals Gate.
Visibility splay from proposed access.
Contrary to Policy SG19 of the South Holland Local Plan, 2006.

Whilst the applicant has offered part of his existing garden space to accommodate replacement open space, it does not address the fact the proposed access cuts across an existing public footpath and makes a larger area than the land brought forward, unusable by pedestrians or people wishing to use the land for recreational purposes. It is not considered an access in this location would have a material impact on pedestrian and highway safety, however it would lead to a creation of a precedent that would make it difficult to refuse similar access points for other Wignals Gate properties that would lead to the further loss of public open space.

Paragraph 97 of the National Planning Policy Framework (NPPF) , 2018 states:
"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."

It is considered that the applicant has not adequately demonstrated that the proposed access accords with the guidance set out in Paragraph 97 of the NPPF.

It is considered that the proposed access is contrary to Policy LT2 of the South Holland Local Plan, 2006 and Section 8, Paragraphs 96 & 97 of the NPPF, 2018, which seek to preserve and enhance existing public open space. This application has been refused in accordance with local and national policy.